

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(ORIGINAL MATRIMONIAL JURISDICTION)

**DIVORCE SUIT NO. 10 OF 2023**

**IN THE MATTER OF:**

An application under Section 10 of the Divorce Act (Christian), 1869 (Act IV of 1869).

**- A N D -**

**IN THE MATTER OF:**

Hanna Sathi Biswas @ Hanna Halder Sathi

----- Plaintiff.

- Versus -

Benedict Sarker.

.....Defendant.

Mr. Sawpan Kumar Gain, Advocate.

----- For the Plaintiff.

**Present:**

**Mr. Justice Mamnoon Rahman**

**Heard and Judgment on 29.08.2024**

This is an application under Section 10 of the Divorce Act, 1869 read with section 151 of the Code of Civil Procedure, 1908 for declaring the marriage null and void at the instance of Hanna Sathi Biswas @ Hanna Halder Sathi the plaintiff for dissolution of her marriage with the defendant, namely Benedict Sarker by way of filing of list of documents a copy of the marriage certificate is being annexed in the instant application before this court.

I have heard the learned Advocate for the plaintiff, perused the application as well as examined the plaintiff before this court in person wherein it appears that there is no possibility to consume the marriage in any manner or to restore conjugal life and they are living

separately since long and in the meantime the husband got married.

Considering the facts and circumstances, I am of the view that the plaintiff has been able to make out the case under section 10 of the Divorce Act, 1869 and, therefore, it deserves for adjudication in her favour by way of dissolution of her marriage with the defendant.

Accordingly, the instant suit is decreed.

Let the Decree Nisi be drawn up against the defendant, namely Benedict Sarker son of Sripodo Sarker and Teresa Pachi Sarker for the dissolution of his marriage with the plaintiff, namely Hanna Sathi Biswas @ Hanna Halder Sathi daughter of Khokon Halder and Teresa Halder.

The dissolution of marriage shall be made absolute after the expiry of 6(six) months, unless cause is shown in the meantime as to way the said decree should not be made absolute.

However, there shall be no order as to cost.

Let a copy of the decree nisi be served upon the defendant by registered post at the cost of the plaintiff.

(Mamnoon Rahman,J:)